

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KERRY A. BENNETT, *an individual*,

Plaintiff,

-against-

ASSET RECOVERY SOLUTIONS, LLC,
a foreign limited liability company, and
DOES, 1 to 10, *inclusive*,

Defendant.

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ORDER ADOPTING R & R
Civil Action No. 14-4433(DRH)(SIL)

HURLEY, Senior District Judge:

Presently before the Court is the Report and Recommendation, dated January 5, 2017, of Magistrate Judge Steven I. Locke recommending that (1) Defendant Asset Recovery Solutions LLC be found liable of violating sections 1692c and 1692d of the FDCPA (2) Plaintiff be awarded statutory damages in the amount of \$1,000.00; (3) Plaintiff be awarded costs totalling \$455.00; (3) plaintiff's motion for default judgment be denied as to her claim under section 1692f of the FDCPA; and (4) plaintiff's request for attorney's fees be denied without prejudice and with leave to submit further documentation or other evidence to allow the Court to assess the reasonableness of the hourly rates requested. More than fourteen days have elapsed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. The Court adopts the January 5, 2017 Report and Recommendation of Judge Locke as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that default judgment be entered (1) in favor of plaintiff against defendant on the claims for violating sections 1692c and 1692d of the FDCPA, 15 U.S.C. §§ 1692c & 1692d, in the amount of \$1,000.00 for statutory damages and \$455.00 in costs; and it is

FURTHER ORDERED that the motion for a default judgment on the claim for violation of section 1692f of the FDCPA, 15 U.S.C. § 1692f, is denied and that plaintiff recover nothing of the defendant on that claim; and it is

FURTHER ORDERED that the request for attorney's fees is denied without prejudice to renew and with leave to submit further documentation or other evidence to allow the Court to assess the reasonableness of the hourly rates requested; any such renewed motion for attorney's fees must be made within the time provided for in Fed. R. Civ. P. 54(d)(2)(B).

Dated: Central Islip, N.Y.
January 31, 2017

/s/ Denis R. Hurley
Denis R. Hurley
United States District Judge